

KENTUCKY BOARD OF PHARMACY
STATE OFFICE BUILDING ANNEX, SUITE 300
125 HOLMES STREET
FRANKFORT KENTUCKY 40601
502-564-7910
502-696-3806 FAX
Email: pharmacy.board@ky.gov

MEMORANDUM

Date: April 26, 2012

TO: INTERESTED INDIVIDUALS AND ORGANIZATIONS

FROM: MICHAEL BURLESON R.Ph.
EXECUTIVE DIRECTOR

RE: PHARMACIST RECOVERY NETWORK COMMITTEE

The Kentucky Board of Pharmacy pursuant to KRS 315.126(1) and 201 KAR 2:250 is authorized to establish a pharmacist recovery network committee. Members shall be selected by the Board from a list of qualified candidates submitted by the association, society, individuals, or other interested parties. Please submit candidate names along with a CV to the Board office by mail, email, or fax.

The Pharmacist Recovery Network Committee (PRNC) is scheduled to meet at least seven (7) times yearly at the Board office. The meetings begin at 10:00a.m. Eastern Time and usually last for two hours. Before each meeting you will receive material that you will need to review. The appointment as a committee member is for up to a four year term. If you believe the rigors of this appointment to PRNC are too time consuming to be away from your work or family, you may withdraw your request for consideration of being appointed.

Please return your completed application to the Board office by Thursday May 31, 2012. Please enclose a copy of your CV.

Attached is a copy of KRS 315.126 and 201 KAR 2:250 for your review.

If you have further questions, please contact the Board office at your earliest convenience.

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PHARMACIST RECOVERY NETWORK COMMITTEE MEMBER APPLICATION

Name_____

Address_____

City_____State_____Zip_____

Phone_____Cell Phone_____Email_____

PLEASE COMPLETE THE FOLLOWING QUESTIONS, ANY REQUIRED
EXPLANATION, AND DATE AND SIGN

- A. Have you had any criminal conviction?
Yes_____ No_____ Attach an explanation
- B. Have you ever had any past disciplinary action taken against you by another
licensure Board?
Yes_____ No_____ Attach an explanation

Date

Signature

***A RECENT HEAD AND SHOULDER PASSPORT PHOTOGRAPH MUST BE
ATTACHED. (NO PROOF COPIES, PLASTIC ID, OR DIGITAL COMPUTER
IMAGES ARE ACCEPTABLE.**

***PLEASE ENCLOSE A COPY OF YOUR CV.**

**315.126 Pharmacist recovery network committee -- Administrative regulations --
Assessment -- Confidentiality -- Reporting restrictions.**

- (1) The board shall establish a pharmacist recovery network committee to promote the early identification, intervention, treatment, and rehabilitation of pharmacists and pharmacist interns who may be impaired by reason of illness, alcohol or drug abuse, or as a result of any other physical or mental condition.
- (2) The board may enter into a contractual agreement with a nonprofit corporation, pharmacy professional organization, or similar organization for the purpose of creating, supporting, and maintaining a pharmacist recovery network committee.
- (3) The board may promulgate administrative regulations pursuant to KRS Chapter 13A to effectuate and implement the provisions of this section.
- (4) Beginning July 15, 1998, the board shall collect an assessment of ten dollars (\$10) to be added to each licensure renewal application fee payable to the board. This assessment shall be expended by the board on the operation of the pharmacist recovery network committee.
- (5) Members of a pharmacist recovery network committee, any administrator, staff member, consultant, agent, volunteer, or employee of the committee acting within the scope of his or her duties and without actual malice and all other persons who furnish information to the committee in good faith and without actual malice shall not be liable for any claim or damages as a result of any statement, decision, opinion, investigation, or action taken by the committee or by any individual member of the committee.
- (6) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the pharmacist recovery network committee, all communications to or from the committee, and all proceedings, findings, and conclusions of the committee, including those relating to intervention, treatment, or rehabilitation, that in any way pertain or refer to a pharmacist or pharmacist intern who is or may be impaired shall be privileged and confidential.
- (7) All records and proceedings of the committee that pertain or refer to a pharmacist or pharmacist intern who is or may be impaired shall be privileged and confidential, used by the committee and its members only in the exercise of the proper function of the committee, not be considered public records, and not be subject to court subpoena, discovery, or introduction as evidence in any civil, criminal, or administrative proceedings, except as described in subsection (8) of this section.
- (8) The committee may only disclose the information relative to an impaired pharmacist or pharmacist intern if:
 - (a) It is essential to disclose the information to persons or organizations needing the information in order to address the intervention, treatment, or rehabilitation needs of the impaired pharmacist or pharmacist intern;
 - (b) The release is authorized in writing by the impaired pharmacist or pharmacist intern; or
 - (c) The committee is required to make a report to the board pursuant to KRS 315.121.

201 KAR 2:250. Pharmacist Recovery Network Committee.

RELATES TO: KRS 315.121(1)(d), 315.126

STATUTORY AUTHORITY: KRS 315.126(3), 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.126(1) requires the Board of Pharmacy to establish a pharmacy recovery network committee (PRNC). This administrative regulation establishes minimum requirements for the establishment and operation of the PRNC. This administrative regulation specifies the manner by which the board's PRNC consultant works with the board in intervention, evaluating and treating a pharmacist or intern, and providing for continuing care and monitoring by the consultant through a treatment provider.

Section 1. The board's Pharmacist Recovery Network Committee (PRNC) consultant shall be a pharmacist licensee of the board. The consultant shall assist the Case Review Committee (CRC) and the PRNC in carrying out their respective responsibilities. This shall include working with the board's inspectors and investigators to determine whether a pharmacist or intern is in fact impaired.

Section 2. If a pharmacist or intern self reports impairment as a result of the misuse or abuse of alcohol or drugs, or both; or if the board receives a legally sufficient complaint alleging that a pharmacist or intern is impaired as a result of the misuse or abuse of alcohol or drugs, or both, and no complaint against the pharmacist or intern other than impairment exists, the reporting of any impairment information to the board shall be forwarded to the consultant and shall not constitute grounds for discipline, if the PRNC finds the pharmacist or intern has:

- (1) Acknowledged the impairment problem;
- (2) Voluntarily enrolled in an appropriate, approved treatment program;
- (3) Voluntarily withdrawn from practice or limited the scope of practice as required by the consultant, in each case, until the PRNC is satisfied the licensee has successfully completed an approved treatment program; and
- (4) Executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall not make copies or reports of records that do not regard the issue of the licensee's impairment and his or her participation in a treatment program.

Section 3. (1) A treatment provider shall disclose to the consultant or board if applicable all information in its possession regarding the issue of a pharmacist's or intern's impairment and participation in the treatment program. Failure of the treatment provider to provide information to the consultant shall be a basis for the withdrawal of the use of the program or provider.

(2) If in the opinion of the consultant or PRNC, an impaired pharmacist or intern has not progressed satisfactorily in a treatment or recovery program, all information regarding the issue of a pharmacist's or intern's impairment and participation in a treatment or recovery program in the consultant's possession shall be disclosed to the board. That disclosure shall constitute a complaint.

Section 4. All information concerning a pharmacist or intern held by the consultant, PRNC, CRC, or board shall remain confidential.

Section 5. (1) The PRNC shall be comprised of eleven (11) members. The members shall include:

- (a) The President of the Board of Pharmacy;
 - (b) The Chair of the PRNC;
 - (c) The Executive Director of the Board of Pharmacy; and
 - (d) Eight (8) other members, of which seven (7) shall be pharmacists and one (1) shall be a citizen member.
- (2)(a) All members shall have the same rights, which include voting privileges.
- (b) A member of the PRNC shall not be on the board, except the President of the Board.
- (c) Any criminal conviction or disciplinary action by a licensure board against a proposed member shall be reported to the board prior to consideration for appointment.
- (d) There may be no more than four (4) members in successful recovery on the PRNC.
- (e) A pharmacist under a Pharmacist Recovery Network Agreement shall not serve on the PRNC.
- (3)(a) A PRNC member may be appointed by the board a maximum of three (3), four (4) year terms.
- (b) A PRNC member shall not serve more than (2) terms consecutively.
- (c) After serving two (2) consecutive terms a PRNC member shall rotate off the PRNC for at least two (2) years.
- (d) A committee member shall serve no more than twelve (12) years on the PRNC.
- (e) The President of the Board, the PRNC Consultant, and the Executive Director of the Board membership on the PRNC shall not constitute a twelve (12) year term.
- (f) Membership of the PRNC shall be selected by the board from a list of qualified candidates submitted by an interested individual or entity.
- (4) A member of the PRNC who becomes impaired, relapses, has any criminal conviction, or has any disciplinary action by a licensure board shall immediately resign from the PRNC.
- (5) The board by majority vote, with the recusal of the President of the Board, may remove a member of the PRNC for any of the following reasons:
- (a) Refusal or inability of a committee member to perform duties as a member of the committee in an efficient, responsible, and professional manner;
 - (b) Misuse of the committee by a member to obtain personal, pecuniary, or material gain or advantage for the member or others; and
 - (c) Violation of any provision of KRS Chapter 315. (28 Ky. 1517; Am. 1793; eff. 2-7-2002; 33 Ky.R. 4201; 34 Ky.R. 229; eff. 8-16-07.)